



PATENT

FFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: PFALLER ET AL - 3

SERIAL NO.: 10/803,841 GROUP: 1632

FILED: MARCH 18, 2004

TITLE: PROCESS FOR PRODUCING SPORIDILOBOLUS RUINENIAE STRAINS WITH IMPROVED COENZYME Q10 PRODUCTION

SUBMISSION OF INFORMATION DISCLOSURE  
STATEMENT OF DR. HOLGER POTTER

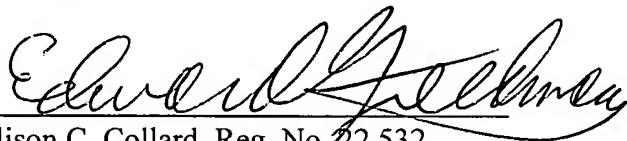
Mail Stop: Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants wish to bring to the attention of the Patent Examiner the attached Information Disclosure Statement, duly signed by Dr. Holger Potten dated April 16, 2004, and the references listed on the enclosed Form PTO-1449 and attached thereto. These references were cited in the Specification, and in an Office Action of the German PTO.

It is respectfully requested that the foregoing Information Disclosure Statement be incorporated into the official file of the present patent application.

Respectfully submitted,  
PFALLER ET AL - 3



Allison C. Collard, Reg. No. 22,532

Edward R. Freedman, Reg. No. 26,048

Elizabeth Collard Richter, Reg. No. 35,103

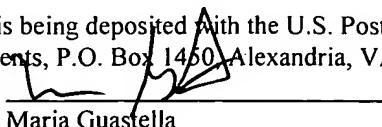
Attorneys for Applicant

COLLARD & ROE, P.C.  
1077 Northern Boulevard  
Roslyn, New York 11576  
(516) 365-9802

ERF:djp

Encs: Information Disclosure Statement of Dr. Holger Potten  
Form PTO-1449 w/copies of nine references

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 9, 2004.



Maria Guastella



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :  
PFALLER ET AL. :  
Serial Number 10/803,841 : Group Art Unit: 1632  
Filed: March 18, 2004 :  
For: PROCESS FOR PRODUCING SPORIDIOBOLUS RUINENIAE STRAINS WITH  
IMPROVED COENZYME Q10 PRODUCTION:

Information Disclosure Statement

Honorable Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir or Madam:

I, Holger Potten, associated with the preparation and prosecution of the above-identified application, residing at Neubiberger Straße 17a, 81737 München, Germany, wish to call the attention of the Patent Examiner to the references enumerated on the enclosed PTO Form-1449.

I believe the documents enumerated on the enclosed Form PTO-1449 and attached thereto, are cited in the enclosed application as well as in the Office Action of the German Patent and Trademark Office and may be material to the examination of the application.

Therefore, it is respectfully requested that the foregoing Information Disclosure Statement be considered by the Examiner and incorporated into the file of this application.

I wish to comment as follows concerning the prior art references enumerated on PTO Form-1449:

US 4,070,244, cited in the German Office Action as well as in the application, is enclosed.

For Hans G. Schlegel, Allgemeine Mikrobiologie (Common Microbiology), Georg Thieme Publishing House, Vol. 5, 1981, page 435, cited in the German Office Action, an English Abstract is enclosed.

Peter J. Russell, Genetik (Genetics), Springer Publishing House, 1983, page 52, cited in the German Office Action, an English Abstract is enclosed.

US 4,220,719, cited in the application, is enclosed.

F. L. Crane, "Biochemical Functions of Coenzyme Q<sub>10</sub>", Journal of the American College of Nutrition (2001), Vol. 20, No. 6, pages 591 - 598, cited in the application, is enclosed.

R. Meganathan, "Ubiquinone Biosynthesis in Microorganisms", FEMS Microbiology Letters 203 (2001), pages 131 – 139, cited in the application, is enclosed.

Do et al., "Enhanced Sensitivity of Ubiquinone-Deficient Mutants of *Saccharomyces Cerevisiae* to Products of Autoxidized Polyunsaturated Fatty Acids" Proc. Natl. Acad. Sci. USA (1996), Vol. 93, pages 7534 – 7539, cited in the application, is enclosed.

A. Tzagoloff, "Mitochondria" (1982) Plenum Press New York, ISBN 0-306-40778-7, pages 92 – 95, cited in the application, is enclosed.

R. A. Hagerman et al., „The Regulation of COQ5 Gene Expression by Energy Source”, Free Radical Research (2002), Vol. 36 (4), pages 485 – 490, cited in the application, is enclosed.

Signed this 16<sup>th</sup> day of April 16, 2004.



.....  
Dr. Holger Potten

O 1 JUN 14 2004

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

Page 1 of 4

FORM PTO-1449  
(REV. 7-80)

ATTY. DOCKET NO.: CO 10226

SERIAL NO. 10/803,841

## LIST OF REFERENCES CITED BY APPLICANT

(Use several sheets if necessary)

APPLICANT: PFALLER ET AL

FILING DATE: March 18, 2004

GROUP:

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	4,070,244	1/24/78	Nakao et al.			
	AB	4,220,719	9/12/80	Hida et al.			
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	AL							
	AM							
	AN							
	AO							
	AP							

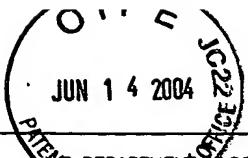
## OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

	AR	✓ Hans G. Schlegel, <u>Allgemeine Mikrobiologie</u> , Georg Thieme Publishing House, Vol. 5, 1981, p. 435
		✓ Peter J. Russell, <u>Genetik (Genetics)</u> , Springer Publishing House, 1983, page 52.
	AS	✓ F. L. Crane, <u>Biochemical Functions of Coenzyme Q10</u> , <u>Journal of the Am. College of Nutrition</u> (2001), Vol. 20,
		Na 6, pp. 591-598
	AT	✓

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



Page 2 of 4

FORM PTO-1449  
(REV. 7-80)

U. S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

ATTY. DOCKET NO.: 6010226

SERIAL NO. 101803,841

LIST OF REFERENCES CITED BY APPLICANT

(Use several sheets if necessary)

APPLICANT: PTALLER ET AL

FILING DATE: March 18, 2004 GROUP:

U. S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	AL							
	AM							
	AN							
	AO							
	AP							

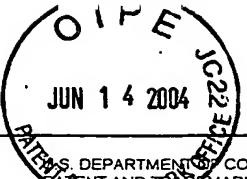
OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

	AR	J R. Meganathan, "Ubiquinone Biosynthesis in Microorganisms", <u>FEMS Microbiology Letters</u> 203 (2001), pp. 131 - 139.
	AS	✓ Do et al., Proc. Natl. Acad. Sci. USA (1996), Vol. 93, pp. 7534 - 7539.
	AT	

EXAMINER

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



Page 3 of 4

FORM PTO-1449  
(REV. 7-80)

U. S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

ATTY. DOCKET NO.:	Co 10226	SERIAL NO.	10 803,841
APPLICANT:	PTELLER ET AL.		
FILING DATE:	March 18, 2004	GROUP:	

LIST OF REFERENCES CITED BY APPLICANT

(Use several sheets if necessary)

U. S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	AL							
	AM							
	AN							
	AO							
	AP							

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

AR	✓	F. Teagoloff, "Mitochondria" (1982) Plenum Press New York, ISBN 0-306-40778-7, pp 92-95.
AS	✓	R. H. Hagermann et al. "The Regulation of COQ5 Gene Expression by Energy Source", Free Radical Research (2002), Vol. 36(4), pp. 485-490.
AT		

EXAMINER

DATE CONSIDERED

JUN 14 2004

Page 4 of 4

FORM PTO-1449 (REV. 7-80)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY. DOCKET NO.: CO 10226	SERIAL NO. 10 803,841
LIST OF REFERENCES CITED BY APPLICANT  (Use several sheets if necessary)				APPLICANT: PFALLER ET AL.	
				FILING DATE: March 18, 2004	GROUP:

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	AL							
	AM							
	AN							
	AO							
	AP							

## OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

AR		English Abstract corresp. do Hans G.
		Schlegel.
AS		English Abstract corresp. to Peter
		J. Russell.
AT		

EXAMINER

DATE CONSIDERED